

UNITED STATES DISTRICT Court UNITED STATES DISTRICT COURT
DISTRICT NEW MEXICO ALBUQUERQUE, NEW MEXICO

FILED

APR 14 2016 *mlc*

FRANCISCO BURCIAGA
petitioner

MATTHEW J. DYKMAN
CLERK

1:08-CR-01541-MV

16 cv 313 MV/CG

CR Rule 29

CV Rule 50

UNITED STATES OF AMERICA
respondent

Motion for Judgement of Acquittal
as a matter of law

I come Now in Peace

This matter of judgement arrives from record number 01541MV a matter in the Santa Fe Federal Courthouse a record ab initio June 2008.

I.

In October 2011 I asked Penni Adrian to enter for summary:
The reason for my petition was due to omissions in the jury trial transcript.

The **omission(s)** from the November 2010 trial are specifically in relation to the following;

1.-The actual control of the dash cam video of the New Mexico's issue unit.

2.-The word "snortable" by scientific expert D.E.A. forensic chemist Mark Mc Donald not in trial transcript. at courtroom Real Time Feed 11:25:52 to 11:26:58.

3.-The testimony of Burciaga regarding documents 33,34 and the use of the word "Not" in conjunction with "guilty".

; She , Penni Adrian, advised me to wait on the Tenth circuit decision in the pending Motion to Supress.

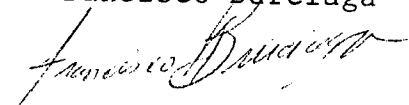
II.

In jury trial May 2013 after all evidences presented and before closing arguments Mr. Villa submitted for summary as a matter. The judge did not grant for judgement, I personally believe because of the supremacy clause opinion and thus direction from the Tenth circuit and to allow the AUSA the opportunity to finish fitting the evidence within his parameters. After the jury did not say or announce "We the jury find the defendant guilty." the judgement for acquittal as a matter of law should have been reconsidered.

Now while in a 28§2255 action I Francisco Burciaga respectfully state that if I did not state claim I do so now petition this court(s) for this judgement of acquittal as a matter of law.

FRANCISCO BURCIAGA

Francisco Burciaga



Certificate of Service

I do hereby certify that I will serve a true and correct copy of Rule 29 and Rule 50 motion of aquittal to the United States District Court District of New Mexico. **honor clerk**. That I will place this document in the United States Postal Mail at the F.C.I. ,SAfford,Arizona 85548 on this 12 day of April 2016.

under penalty of perjury per Houston and Lack